

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address D. EDWARD HAYS, #162507 ehays@marshackhays.com LAILA MASUD, #311731 lmasud@marshackhays.com BRADFORD N. BARNHARDT, #328705 bbarnhardt@marshackhays.com MARSHACK HAYS WOOD LLP 870 Roosevelt Irvine, CA 92620 Telephone: (949) 333-7777 Facsimile: (949) 333-7778</p> <p><input type="checkbox"/> Individual <i>appearing without an attorney</i> <input checked="" type="checkbox"/> <i>Attorney for:</i> Movant and Creditor, HOUSER BROS. CO. dba RANCHO DEL REY MOBILE HOME ESTATES</p>	<p>FOR COURT USE ONLY</p>
<p style="text-align: center;">UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION</p>	
<p>In re:</p> <p>JAMIE LYNN GALLIAN,</p> <p style="text-align: right;">Debtor(s)</p>	<p>CASE NO.: 8:21-bk-11710-SC CHAPTER: 7</p> <p>NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE RE: <i>(title of motion¹):</i> <u>MOTION OBJECTING TO DEBTOR'S CLAIMED HOMESTEAD EXEMPTION IN "PAD" LOCATED AT 16222 MONTEREY LN, SPACE 376, HUNTINGTON BEACH, CA</u></p>

PLEASE TAKE NOTE that the order titled ORDER GRANTING HOUSE BROS. CO. DBA RANCHO DEL REY MOBILE HOME ESTATES' MOTION OBJECTING TO DEBTOR'S CLAIMED HOMESTEAD EXEMPTION IN "PAD" LOCATED AT 16222 MONTEREY LN, SPACE 376, HUNTINGTON BEACH, CA 92649 was lodged on (date) February 11, 2025, and is attached. This order relates to the motion which is docket number 529.

¹ Please abbreviate if title cannot fit into text field.



Bankruptcy LODGED ORDER UPLOAD FORM

Tuesday, February 11, 2025

CONFIRMATION :

Your Lodged Order Info:

(**11318451.doc**)

[A new order has been added](#)

- **Office:** [Santa Ana](#)
- **Case Title:** [Jamie Lynn Gallian](#)
- **Case Number:** [21-11710](#)
- **Judge Initial:** [SC](#)
- **Case Type:** [bk \(Bankruptcy \)](#)
- **Document Number:** [529](#)
- **On Date:** [02/11/2025 @ 08:01 PM](#)

Thank You!

United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 East Temple Street
Los Angeles, CA 90012

1 D. EDWARD HAYS, #162507
ehays@marshackhays.com
2 BRADFORD N. BARNHARDT, #328705
bbarnhardt@marshackhays.com
3 MARSHACK HAYS WOOD LLP
870 Roosevelt
4 Irvine, CA 92620
Telephone: (949) 333-7777
5 Facsimile: (949) 333-7778

6 Attorneys for Movant and Creditor,
HOUSER BROS. CO. dba RANCHO DEL
7 REY MOBILE HOME ESTATES

8 UNITED STATES BANKRUPTCY COURT
9 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

10 In re

11 JAMIE LYNN GALLIAN,
12 Debtor.

Case No. 8:21-bk-11710-SC

Chapter 7

ORDER GRANTING HOUSER BROS. CO.
DBA RANCHO DEL REY MOBILE HOME
ESTATES'S MOTION OBJECTING TO
DEBTOR'S CLAIMED HOMESTEAD
EXEMPTION IN "PAD" LOCATED AT
16222 MONTEREY LN., SPACE 376,
HUNTINGTON BEACH, CA 92649

Date: February 4, 2025
Time: 11:00 a.m.
Ctvm: 5C
Location: 411 W. Fourth Street
Santa Ana, CA 92701

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20 The "Motion Objecting to Debtor's Claimed Homestead Exemption in 'Pad' Located at
21 16222 Monterey Ln., Space 376, Huntington Beach, CA 92649" ("Motion"), filed by Houser
22 Bros. Co. dba Rancho Del Rey Mobile Home Estates ("Houser Bros."), on January 2, 2025, as
23 Dk. No. 529, came on for hearing on February 4, 2025, at 11:00 a.m., before the Honorable
24 Scott C. Clarkson. All appearances were as noted on the record.

25 The Court has read and considered the Motion; the joinder to the Motion, filed by The
26 Huntington Beach Gables Homeowners Association on January 8, 2025, as Dk. No. 531; the
27 Declaration of Chris Houser filed by Houser Bros. on January 10, 2025, as Dk. No. 532; the
28 joinder to the Motion, filed by Jeffrey I. Golden, Chapter 7 Trustee for the Bankruptcy Estate of

1 Jamie Lynn Gallian (“Debtor”), on January 13, 2025, as Dk. No. 533; the Opposition to the
2 Motion, filed by Debtor on January 24, 2025, as Dk. No. 535; the amended Opposition to the
3 Motion, filed by Debtor on January 25, 2025, as Dk. No. 536; the reply in support of the
4 Motion, filed by Houser Bros. on January 28, 2025, as Dk. No. 537; the unauthorized Sur-Reply
5 to the Motion, filed by Debtor on January 31, 2025, as Dk. No. 544; and all other pleadings and
6 papers filed in this case. For the reasons set forth in the Court’s tentative ruling, a copy of which
7 is attached hereto as **Exhibit 1**, the Court finds good cause to grant the Motion, and enters its
8 order as follows:

9 IT IS ORDERED that:

- 10 1. The Motion is granted in its entirety.
- 11 2. Houser Bros.’s objections to Debtor’s claimed exemptions in the Pad pursuant to
12 California Code of Civil Procedure §§ 704.930, 704.930(a), and 704.720(a) in 16222 Monterey Ln.,
13 Space 376, Huntington Beach, CA 92649 “Pad” (“Pad”) are sustained, and all claims of exemption
14 by Debtor in the Pad are disallowed.

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**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
Courtroom 5C Calendar**

Tuesday, February 4, 2025

Hearing Room 5C

11:00 AM

8:21-11710 Jamie Lynn Gallian

Chapter 7

#4.00

Hearing RE: Motion Objecting To Debtor's Claimed Homestead Exemption In
"PAD" Located At 16222 Monterey Lane, Space 376, Huntington Beach, CA
92649
(Motion filed 1/2/25)

Docket 529

Tentative Ruling:

Tentative for 2/4/25 is to GRANT.

Movant, Houser Bros, objects to the exemption asserted by Debtor in her Amended Schedule C [Dk. 519] in the "PAD," which is the property underneath Debtor's mobile home. The motion is joined by the Chapter 7 Trustee and the Huntington Beach Gables HOA.

Preliminarily, as noted by Movant, Debtor's Amended Schedule C [Dk. 519] identifies non-existent statutes as the basis for her exemption in the "PAD" as follows: "11 U.S.C. § 704.930, 11 U.S.C. § 704.930(a), and 11 U.S.C. § 704.720(a)." It is clear, however, that Movant is aware of which statutes Debtor is using and that no confusion resulted from Debtor's error. See, e.g., *In re White*, 377 B.R. 633 (Bankr. Ariz. 2007). Thus, any objection based upon the foregoing is not warranted.

Secondarily, Movant's argument regarding the untimeliness and formatting of Debtor's opposition is well-taken. Debtor has been previously warned that untimely pleadings will not be considered by the Court, as fully noted in Movant's Reply; however, the opposition is only 3 days late and Movant has not articulated any identifiable harm and in fact filed a fulsome reply. The opposition will be considered. The Court's prior cautions, however, are repeated for future reference.

Turning to the merits, Debtor bears the burden of proof on her exemptions, which she has not met. *In re Talerico*, 532 B.R. 774, 780 (Bankr. E.D. Cal. 2015); CCP § 704.780(a)(1).

**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
Courtroom 5C Calendar**

Tuesday, February 4, 2025

Hearing Room 5C

11:00 AM

CONT... Jamie Lynn Gallian

Chapter 7

Here, Debtor somewhat incoherently argues in her opposition that she possesses both a declared homestead and an automatic homestead. As noted above, Debtor's Amended Schedule C [Dk. 519] references the statutes pertaining to both, as follows: "11 U.S.C. § 704.930, 11 U.S.C. § 704.930(a), and 11 U.S.C. § 704.720(a)." The assertion of both homesteads is permissible. See generally, *In re Salazar*, 2022 Bankr. LEXIS 1615 (Bankr. C.D. Cal. 2022).

Under either statute, however, Debtor has not identified any exemptible interest in the "PAD," which is the land underneath her mobile home, which is fatal to the assertion of both exemptions. She argues that her interest stems from a ground lease. This argument is insufficient to establish an exemptible interest. Debtor has already admitted, and the Court has previously found, that she is not a party to any ground lease. See *Houser Bros. Co. v. Gallian (In re Gallian)*, Case No. 8:21-ap-01097-SC, ECF No. 72 at 366-67 (Bankr. C.D. Cal. May 3, 2023). This finding is law of the case. Under the "law of the case" doctrine, "a court is generally precluded from reconsidering an issue that has already been decided by the same court, or a higher court in the identical case." *Thomas v. Bible*, 983 F.2d 152, 154 (9th Cir.), cert. denied 508 U.S. 951 (1993).

Debtor does not own the real property (i.e., the "PAD"), and has not otherwise demonstrated that she has any exemptible interest, which is her burden. Thus, the motion is appropriate to grant as to Debtor's exemptions on Amended Schedule C in the "PAD," which is the property upon which her mobile home sits. Her exemption to her home remains unchanged.

Virtual appearances are required. The hearing will take place using Zoom for Government, a free service that provides audioconference and videoconference capabilities. Only the parties, including counsels, their clients, and pro se individuals, may virtually join the hearing. No testimony, however, will be permitted unless specifically authorized by the Court either prior to, or during, the hearing. Parties virtually appearing should consult the NOTICE OF VIDEO AND TELEPHONIC APPEARANCE PROCEDURES FOR JUDGE SCOTT CLARKSON'S CASES for specific procedures and further information.

**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
Courtroom 5C Calendar**

Tuesday, February 4, 2025

Hearing Room 5C

11:00 AM

CONT... Jamie Lynn Gallian

Chapter 7

The audio portion of each hearing will be recorded electronically by the Court and constitute its official record. **By Order of the Judicial Conference of the United States, members of the general public may only view the hearings from the Courtroom, which will remain open, or access the hearing by audioconference only, as set forth below. This is a nationwide mandate and is not subject to this Court's discretion. The Court will have monitors on and viewable within the Courtroom for viewing.**

Hearing participants may connect to the videoconference through an Internet browser by entering the Videoconference URL shown below, as well as the meeting ID and password, when prompted.

Videoconference URL: <https://cacb.zoomgov.com/j/1608592258>

Meeting ID: 160 859 2258

Password: 843179

If a participant is unable to send and receive audio through his/her computer, or join the videoconference through an Internet browser for any reason, the audio of the hearing may be accessed by telephone using the below audio conference information. PLEASE BE ADVISED THAT THE GENERAL PUBLIC AND ALL MEDIA MAY ONLY USE THE AUDIO CONFERENCE SYSTEM BELOW AND MAY NOT UTILIZE THE VIDEO CONFERENCE SYSTEM.

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 160 859 2258

Password: 843179

For further details, please consult the instructions on the Court's website <https://www.cacb.uscourts.gov/judges/honorable-scott-c-clarkson>.

**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
Courtroom 5C Calendar**

Tuesday, February 4, 2025

Hearing Room 5C

11:00 AM

CONT... Jamie Lynn Gallian

Chapter 7

Please note that default matters may be called prior to the videoconference, so there may be a slight delay to the official start time of the videoconference hearing.

As noted in the Court's Zoom Video Hearing Guide, located at <https://www.cacb.uscourts.gov/node/7890>, all persons are strictly prohibited from making any recording of court proceedings, whether by video, audio, "screenshot," or otherwise. Violation of this prohibition may result in the imposition of monetary and non-monetary sanctions.

Party Information

Debtor(s):

Jamie Lynn Gallian

Pro Se

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Aaron E. De Leest
Eric P Israel
Shantal Malmed

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY**
CASE RE: will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d);
and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **February 11, 2025**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On **February 11, 2025**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR

JAMIE LYNN GALLIAN
16222 MONTEREY LN UNIT 376
HUNTINGTON BEACH, CA 92649

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **February 11, 2025**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA PERSONAL DELIVERY:
PRESIDING JUDGE'S COPY

HONORABLE SCOTT C. CLARKSON
UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
411 WEST FOURTH STREET, SUITE 5130 /
COURTROOM 5C
SANTA ANA, CA 92701-4593

VIA EMAIL:
DEBTOR

JAMIE LYNN GALLIAN
jamiegallian@gmail.com

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

February 11, 2025 Layla Buchanan

Date

Printed Name

/s/ Layla Buchanan

Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** CONTINUED:

- **ATTORNEY FOR CREDITOR AND PLAINTIFF HOUSER BROS. CO. and CREDITOR HOUSER BROS. CO. DBA RANCHO DEL REY MOBILE HOME ESTATES:** Bradford Barnhardt bbarnhardt@marshackhays.com, bbarnhardt@ecf.courtdrive.com, kfrederick@ecf.courtdrive.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF HOUSER BROS. CO. and CREDITOR HOUSER BROS. CO. DBA RANCHO DEL REY MOBILE HOME ESTATES:** Aaron E DE Leest adeleest@DanningGill.com, danninggill@gmail.com; adeleest@ecf.inforuptcy.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF THE HUNTINGTON BEACH GABLES HOMEOWNERS' ASSOCIATION:** Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com; goeforecf@gmail.com
- **CHAPTER 7 TRUSTEE JEFFREY I GOLDEN (TR):** Jeffrey I Golden (TR) lwerner@wgllp.com, jig@trustesolutions.net; kadele@wgllp.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF HOUSER BROS. CO. and CREDITOR HOUSER BROS. CO. DBA RANCHO DEL REY MOBILE HOME ESTATES:** D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF THE HUNTINGTON BEACH GABLES HOMEOWNERS' ASSOCIATION:** Brandon J Iskander biskander@goeforlaw.com, kmurphy@goeforlaw.com
- **ATTORNEY FOR TRUSTEE JEFFREY I GOLDEN (TR):** Eric P Israel eisrael@DanningGill.com, danninggill@gmail.com; eisrael@ecf.inforuptcy.com
- **INTERESTED PARTY COURTESY NEF: Shantal Malmed** shantal.malmed@gmlaw.com, cheryl.caldwell@gmlaw.com
- **INTERESTED PARTY COURTESY NEF: Shantal Malmed** , cheryl.caldwell@gmlaw.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF HOUSER BROS. CO. and CREDITOR HOUSER BROS. CO. DBA RANCHO DEL REY MOBILE HOME ESTATES:** Laila Masud lmasud@marshackhays.com, lmasud@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
- **ATTORNEY FOR DEFENDANT RANDALL L NICKEL:** Mark A Mellor mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com
- **INTERESTED PARTY COURTESY NEF:** Valerie Smith claims@recoverycorp.com
- **U.S. TRUSTEE:** United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

4903-7392-5900, v. 1